
12th DECEMBER, 1804.

Read the first and second time, and committed to a Committee of the whole House on Friday next.

A B I L L,

FOR establishing rules and articles for the government of the armies of the United States.

1 **Be it enacted**, by the Senate and House of Representatives
2 of the United States of America, in Congress assembled, That
3 from and after the passing of this act, the following shall be the
4 rules and articles by which the armies of the United States shall be
5 governed.

6 **ARTICLE 1.** Every officer now in the army of the United States,
7 shall in six months from the passing of this act, and every officer
8 who shall hereafter be appointed, shall at the time of his appoint-
9 ment, subscribe these rules and regulations.

10 **ARTICLE 2.** It is earnestly recommended to all officers and sol-
11 diers diligently to attend divine service. And all officers who shall

12 behave indecently or irreverently, at any place of divine worship,
13 shall, if commissioned officers, be brought before a general court
14 martial, there to be publicly and severely reprimanded by the pre-
15 sident ; if non-commissioned officers or soldiers, every person so
16 offending, shall for his first offence, forfeit *one sixth of a dollar*, to
17 be deducted out of his next pay ; for the second offence, he shall
18 not only forfeit a like sum, but be confined for twenty-four hours ;
19 and for every like offence, shall suffer and pay in like manner ;
20 which money, so forfeited, shall be applied to the use of the sick
21 soldiers of the troop or company to which the offender belongs.

22 ARTICLE 3. Whatsoever non-commissioned officer or soldier, shall
23 use any profane oath or execration, shall incur the penalties express-
24 ed in the foregoing article, and if a commissioned officer be thus guilty
25 ty of profane cursing or swearing, he shall forfeit and pay for each and
26 every such offence one dollar to be applied as in the preceding article.

27 ARTICLE 4. Every chaplain commissioned in the army or armies
28 of the United States, who shall absent himself from the duties as-
29 signed him (excepting in cases of sickness or leave of absence)
30 shall be brought to a court-martial, and be fined not exceeding one
31 month's pay, besides the loss of his pay during his absence ; or be
32 discharged, as the said court-martial shall judge proper.

33 ARTICLE 5. Whatsoever officer or soldier shall presume to use con-
34 temptuous or disrespectful words, against the President of the Unit-
35 ed States, against the Vice President thereof, against the Congress
36 of the United States, or against the chief magistrate or legislature

37 of any of the United States in which he may be quartered, if a
38 commissioned officer, he shall be cashiered, or otherwise punished
39 as a court-martial shall direct ; if a non-commissioned officer or
40 soldier, he shall suffer such punishment as shall be inflicted on him
41 by the sentence of a court-martial.

42 ARTICLE 6. Any officer or soldier who shall behave himself
43 with contempt or disrespect towards his commanding general, tend-
44 ing to his hurt or dishonor, shall be punished according to the
45 nature of his offence, by the judgment of a court-martial.

46 ARTICLE 7. Any officer or soldier, who shall begin, excite,
47 cause or join in any mutiny or sedition in the troop, company or
48 regiment, to which he belongs, or in any other troop or company
49 in the service of the United States, or in any party, post, detach-
50 ment, or guard, or on any pretence whatsoever, shall suffer death,
51 or such other punishment as by a court-martial shall be inflicted.

52 ARTICLE 8. Any officer, non-commissioned officer, or soldier,
53 who being present at any mutiny or sedition, does not use his ut-
54 most endeavor to suppress the same, or coming to the knowledge
55 of any intended mutiny, does not, without delay, give information
56 thereof to his commanding officer, shall be punished by a court-mar-
57 tial with death, or otherwise, according to the nature of his offence.

58 ARTICLE 9. Any officer or soldier who shall strike his superior
59 officer, or draw or lift up any weapon, or offer any violence against
60 him, being in the execution of his office, on any pretence whatsoever,
61 or shall disobey any lawful command of his superior officer, shall

62 suffer death, or such other punishment as shall, according to the
 63 nature of his offence, be inflicted upon him by the sentence of a
 64 court-martial.

65 ARTICLE 10. Every non-commissioned officer or soldier, who
 66 shall enlist himself in the service of the United States, shall at the
 67 time of his so enlisting, or within six days afterwards, have the ar-
 68 ticles for the government of the forces of the United States read to
 69 him, and shall, by the officer who enlisted him, or by the command-
 70 ing officer of the troop or company into which he was enlisted, be
 71 taken before the next justice of the peace, or chief magistrate of any
 72 city or town corporate, not being an officer of the army, or where
 73 recourse cannot be had to the civil magistrate, before the judge
 74 advocate, and in his presence shall take the following oath or affir-
 75 mation : I, A. B. do solemnly swear or affirm (as the case may be)
 76 that I will bear true allegiance to the United States of America, and to
 77 serve them honestly and faithfully against their enemies or opposers
 78 whatsoever, and to observe and obey the orders of the President
 79 of the United States, and the orders of the officers appointed over
 80 me, according to the *rules and articles of war*. Which justice or
 81 magistrate is to give the officer a certificate, signifying that the man
 82 enlisted did take the said oath or affirmation.

83 ARTICLE 11. After a non-commissioned officer or soldier shall
 84 have been duly enlisted and sworn, he shall not be dismissed the ser-
 85 vice without a discharge in writing, and no discharge granted to
 86 him shall be allowed of as sufficient, which is not signed by a field-

87 officer of the regiment into which he was inlisted, or commanding
88 officer, where no field officer of the regiment is present, and no dis-
89 charge shall be given to a non-commissioned officer or soldier,
90 when his time of service is not expired, without an order from the
91 secretary at war, or commanding officer instructed for the pur-
92 pose.

93 ARTICLE 12. Every colonel, or other field officer commanding
94 the regiment, troop or company, and actually residing with it, may
95 give furloughs to non-commissioned officers or soldiers, in such
96 numbers, and for so long a time as he shall judge to be most con-
97 sistent with the good of the service ; but no non-commissioned
98 officer or soldier, shall, by leave of his captain, or inferior officer
99 commanding the troop or company (his field officer not being
100 present) be absent above twenty days in six months, nor shall
101 more than two private men be absent at the same time, from their
102 troop or company, excepting some extraordinary occasion shall
103 require it, of which the field officer present with, and command-
104 ing the regiment is to be the judge.

105 ARTICLE 13. At every muster the commanding officer of each
106 regiment, troop, or company, there present, shall give to the com-
107 missary of musters, or other officer who musters the said regiment,
108 troop or company, certificates signed by himself, signifying how
109 long such officers, who shall not appear at the said muster, have
110 been absent, and the reason of their absence. In like manner,
111 the commanding officer of every troop or company, shall give

112 certificates, signifying the reasons of the absence of the non-com-
113 missioned officers and private soldiers; which reasons, and time
114 of absence, shall be inserted in the muster-rolls, opposite the name
115 of the respective absent officers and soldiers. The said certificates
116 shall, together with the muster-rolls, be remitted by the commis-
117 sary of musters, or other officer mustering, to the department of
118 war, as speedily as the distance of the place will admit.

119 **ARTICLE 14.** Every officer who shall be convicted before a gen-
120 eral court-martial, of having signed a false certificate relating to
121 the absence of either officer or private soldier, or relative to his
122 or their pay, shall be cashiered.

123 **ARTICLE 15.** Every officer who shall knowingly make a false
124 muster of man or horse, and every officer or commissary of mus-
125 ters, who shall willingly sign, direct or allow the signing of mus-
126 ter-rolls, wherein such false muster is contained, shall, upon
127 proof made thereof by two witnesses, before a general court-
128 martial, be cashiered, and shall be thereby utterly disabled to
129 have or hold any office or employment in the service of the
130 United States.

131 **ARTICLE 16.** Any commissary of musters or other officer who
132 shall be convicted of having taken money, or any other thing by
133 way of gratification on the mustering any regiment, troop or com-
134 pany, or on the signing muster-rolls, shall be displaced from his
135 office, and shall be thereby utterly disabled to have or hold any of-
136 fice or employment under the United States.

137 ARTICLE 17. Any officer who shall presume to muster a person
138 as a soldier, who is not a soldier, or who does not actually do his
139 duty as a soldier, shall be deemed guilty of having made a false.
140 muster, and shall suffer accordingly.

141 ARTICLE 18. Every officer who shall knowingly make a false
142 return to the department of war, or to any of his superior of-
143 ficers, authorised to call for such returns of the state of the regi-
144 ment, troop or company, or garrison, under his command ; or of
145 the arms, ammunition, cloathing, or other stores thereunto be-
146 longing, shall on conviction thereof before a court-martial, be
147 cashiered.

148 ARTICLE 19. The commanding officer of every regiment,
149 troop or independent company, or garrison, of the United States,
150 shall, in the beginning of every month, remit through the pro-
151 per channels to the department of war, an exact return of the
152 regiment, troop, independent company, or garrison under his
153 command, specifying the names of the officers not then residing
154 at their posts, and the reasons for, and the time of their absence.
155 Whoever shall be convicted of having, through neglect or design,
156 omitted the sending such returns, shall be punished according to
157 the nature of his crime, by the judgment of a general court-
158 martial.

159 ARTICLE 20. All officers and soldiers, who having received
160 pay, or having been duly inlisted in the service of the United

161 States, and shall be convicted of having deserted the same, shall
162 suffer death, or such other punishment as by a court-martial shall
163 be inflicted.

164 ARTICLE 21. Any non-commissioned officer or soldier, who
165 shall, without leave from his commanding officer, absent himself
166 from his troop, company, or detachment, shall, upon being con-
167 victed thereof, be punished according to the nature of his offence,
168 at the discretion of a court-martial.

169 ARTICLE 22. No non-commissioned officer or soldier, shall
170 enlist himself in any other regiment, troop or company, without
171 a regular discharge from the regiment, troop or company, in
172 which he last served, on the penalty of being reputed a deserter,
173 and suffering accordingly. And in case any officer shall know-
174 ingly receive and entertain such non-commissioned officer or sol-
175 dier, or shall not, after his being discovered to be a deserter,
176 immediately confine him and give notice thereof to the corps
177 in which he last served, he, the said officer so offending, shall
178 by a court-martial be cashiered.

179 ARTICLE 23. Whatsoever officer or soldier, shall be convicted
180 of having advised or persuaded any other officer or soldier to
181 desert the service of the United States, shall suffer death or such
182 other punishment as shall be inflicted upon him by the sentence
183 of court-martial.

184 ARTICLE 24. No officer or soldier shall use any reproachful or
185 provoking speeches or gestures to another, upon pain, if an officer, of

186 being put in arrest; if a soldier, imprisoned, and of asking pardon
187 of the party offended, in the presence of his commanding officer.

188 ARTICLE 25. No officer or soldier shall presume to send a
189 challenge to another officer or soldier, to fight a duel, or accept
190 a challenge if sent, upon pain, if a commissioned officer, of being
191 cashiered; if a non-commissioned officer or soldier, of suffering
192 corporal punishment at the discretion of a court-martial.

193 ARTICLE 26. If any commissioned or non-commissioned officer
194 commanding a guard, shall knowingly and willingly suffer any
195 person whatsoever to go forth to fight a duel, he shall be punished
196 as a challenger; and likewise all seconds, promoters, and carriers
197 of challenges, in order to duels, shall be deemed as principals,
198 and be punished accordingly. And it shall be the duty of every
199 officer, commanding an army, post or detachment, that is know-
200 ing to a challenge being given, or accepted, by any officer, non-
201 commissioned officer or soldier, under his command, or has
202 reason to believe the same to be the case, immediately to arrest
203 and bring to trial such offenders.

204 ARTICLE 27. All officers of what condition soever, have power
205 to part and quell all quarrels, frays, and disorders, though the
206 persons concerned should belong to another regiment, troop, or
207 company; and either to order officers into arrest, or non-commis-
208 sioned officers or soldiers into prison, till their proper superior
209 officers shall be acquainted therewith; and whosoever shall refuse
210 to obey such officer (though of an inferior rank) or shall draw his

211 sword upon him, shall be punished at the discretion of a general
212 court-martial.

213 ARTICLE 28. Whatsoever officer or soldier shall upbraid an-
214 other for refusing a challenge, shall himself be punished as a chal-
215 lenger ; and all officers and soldiers are hereby discharged of any
216 disgrace or opinion of disadvantage, which might arise from their
217 having refused to accept of challenges, as they will only have act-
218 ed in obedience to the laws, and done their duty as good soldiers,
219 who subject themselves to discipline.

220 ARTICLE 29. No sutler shall be permitted to sell any kind of
221 liquors or victuals, or to keep their houses or shops open, for the
222 entertainment of soldiers, after nine at night, or before the beating
223 of the reveilles, or upon Sundays, during divine service or ser-
224 mon, on the penalty of being dismissed from all future suttlng.

225 ARTICLE 30. All officers and soldiers shall have full liberty to
226 bring into any of the forts or garrisons of the United States, any
227 quantity of eatable provisions, or other articles, except where any
228 contracts are or shall be entered into by the secretary of war, or
229 by his order, for furnishing such provisions, and with respect only
230 to the species of provisions so contracted for.

231 ARTICLE 31. No officer commanding in any of the garrisons,
232 forts, or barracks of the United States, shall either themselves
233 exact exorbitant prices for houses or stalls let out to sutlers, or
234 shall connive at the like exactions in others ; nor by their own
235 authority, and for their private advantages, shall they lay any

236 duty or imposition upon, or be interested in the sale of such
237 victuals, liquors, or other necessaries of life, which are brought
238 into the garrison, fort, or barracks, for the use of the soldiers, on
239 the penalty of being discharged from the service.

240 **ARTICLE 32.** Every officer commanding in quarters, garrisons,
241 or on a march, shall keep good order, and to the utmost of his
242 power redress all such abuses or disorders which may be com-
243 mitted by any officer or soldier under his command; if upon com-
244 plaint made to him of officers or soldiers beating or otherwise ill
245 treating any person, of disturbing fairs or markets, or of com-
246 mitting any kind of riots, to the disquieting of the citizens of the
247 United States, he, the said commander, who shall refuse or omit
248 to see justice done on the offender or offenders, and reparation
249 made to the party or parties injured, as far as part of the offender's
250 pay shall enable him or them, shall, upon proof thereof, be pun-
251 ished by a general court-martial, as if he himself had committed
252 the crimes or disorders complained of.

253 **ARTICLE 33.** Whenever any officer or soldier shall be accused
254 of a capital crime, or of having used violence, or committed any of-
255 fence against the persons or property of citizens of any of the Unit-
256 ed States, such as is punishable by the known laws of the land,
257 the commanding officer and officers of every regiment, troop, or
258 party, to which the person or persons so accused shall belong,
259 are hereby required, upon application duly made by or in behalf
260 of the party or parties injured, to use his utmost endeavors to

261 deliver over such accused person or persons to the civil magistrate,
262 and likewise to be aiding and assisting to the officers of justice in
263 apprehending and securing the person or persons so accused, in
264 order to bring them to trial. If any commanding officer or offi-
265 cers shall wilfully neglect, or shall refuse, upon the application
266 aforesaid, to deliver over such accused person or persons to the
267 civil magistrates, or to be aiding and assisting to the officers of jus-
268 tice, in apprehending such person or persons, the officer or offi-
269 cers so offending shall be cashiered.

270 ARTICLE 34. If any officer shall think himself to be wronged,
271 by his colonel, or the commanding officer of the regiment, and
272 shall, upon due application being made to him, be refused to be
273 redressed, he may complain to the general commanding in the
274 state or territory where such regiment shall be stationed, in order
275 to obtain justice; who is hereby required to examine into the said
276 complaint, and take proper measures for redressing the wrong
277 complained of, and transmit as soon as possible, to the depart-
278 ment of war, a true state of such complaint, with the proceedings
279 had thereon.

280 ARTICLE 35. If any inferior officer or soldier, shall think him-
281 self wronged by his captain, or other officer commanding the
282 troop or company to which he belongs, he is to complain thereof
283 to the commanding officer of the regiment, who is hereby required
284 to summon a regimental court-martial, for the doing justice to
285 the complainant; from which regimental court-martial, either

286 party may, if he thinks himself still aggrieved, appeal to a gene-
287 ral court-martial. But if, upon a second hearing, the appeal shall
288 appear vexatious and groundless, the person so appealing shall
289 be punished at the discretion of the said general court-martial.

290 ARTICLE 36. Whatsoever commissioned officer, store keeper,
291 or commissary, shall be convicted, at a general court-martial, of
292 having sold without a proper order for that purpose, embezzled,
293 misapplied, or wilfully, or through neglect, suffered any of the
294 provisions, forage, arms, clothing, ammunition, or other military
295 stores, belonging to the United States, to be spoiled or damaged ;
296 the said officer, store keeper, or commissary, so offending, shall,
297 at his own charge, make good the loss or damage, shall moreover
298 forfeit all his pay, and be dismissed from the service.

299 ARTICLE 37. Whatsoever non-commissioned officer or soldier
300 shall be convicted at a regimental court-martial, of having sold,
301 or designedly, or through neglect, wasted the ammunition deli-
302 vered out to him to be employed in the service of the United
303 States, shall, if a non-commissioned officer, be reduced to a pri-
304 vate sentinel, and shall besides suffer corporal punishment, in
305 the same manner as a private sentinel so offending, at the discre-
306 tion of a regimental court-martial.

307 ARTICLE 38. Every non-commissioned officer or soldier, who
308 shall be convicted at a court-martial, of having sold, lost, or
309 spoiled through neglect, his horse, arms, clothes, or accoutre-
310 ments, shall undergo such weekly stoppages, (not exceeding the

311 half of his pay) as a court-martial shall judge sufficient for re-
312 pairing the loss or damage ; and shall suffer imprisonment, or
313 such other corporal punishment as his crime shall deserve.

314 ARTICLE 39. Every officer who shall be convicted at a court-
315 martial, of having embezzled, or misapplied any money with
316 which he may have been entrusted for the payment of the men
317 under his command, or for inlisting men into the service, or for
318 other purposes ; if a commissioned officer, shall be cashiered,
319 and compelled to refund the money ; if a non-commissioned offi-
320 cer, shall be reduced to serve in the ranks as a private soldier,
321 be put under stoppages until the money be made good, and suffer
322 such corporal punishment as a court-martial shall direct.

323 ARTICLE 40. Every captain of a troop or company is charged
324 with the arms, accoutrements, ammunition, clothing, or other
325 warlike stores belonging to the troop or company under his com-
326 mand, which he is to be accountable for to his colonel, in case
327 of their being lost, spoiled, or damaged, not by unavoidable acci-
328 dents, or on actual service.

329 ARTICLE 41. All non-commissioned officers and soldiers, who
330 shall be found one mile from the camp, without leave in writing
331 from their commanding officer, shall suffer such punishment as
332 shall be inflicted upon them by the sentence of a court-martial.

333 ARTICLE 42. No officer or soldier shall lie out of his quarters,
334 garrison, or camp, without leave from his superior officer, upon

335 penalty of being punished according to the nature of his offence,
336 by the sentence of a court-martial.

337 . ARTICLE 43. Every non-commissioned officer and soldier
338 shall retire to his quarters, or tent, at the beating of the retreat ;
339 in default of which he shall be punished according to the nature
340 of his offence, by the commanding officer.

341 ARTICLE 44. No officer, non-commissioned officer, or soldier,
342 shall fail in repairing, at the time fixed, to the place of parade of
343 exercise, or other rendezvous, appointed by his commanding
344 officer, if not prevented by sickness, or some other evident ne-
345 cessity ; or shall go from the said place of rendezvous, or from
346 his guard, without leave from his commanding officer, before he
347 shall be regularly dismissed or relieved, on the penalty of being
348 punished according to the nature of his offence by the sentence
349 of a court-martial.

350 . ARTICLE 45. Whatever commissioned officer shall be found
351 drunk on his guard, party, or other duty, shall be cashiered for
352 it, any non-commissioned officer or soldier so offending, shall
353 suffer such corporal punishment as shall be inflicted by the sen-
354 tence of a court-martial.

355 ARTICLE 46. Whatever sentinel shall be found sleeping upon
356 his post, or shall leave it before he shall be regularly relieved,
357 shall suffer death, or such other punishment as shall be inflicted
358 by the sentence of a court-martial.

359 ARTICLE 47. No soldier belonging to any regiment, troop, or
360 company, shall hire another to do his duty for him, or be excused
361 from duty but in cases of sickness, disability, or leave of absence ;
362 and every such soldier found guilty of hiring his duty, as also
363 the party so hired to do another 's duty, shall be punished, at the
364 next regimental court-martial.

365 ARTICLE 48. And every non-commissioned officer conniving
366 at such hiring of duty aforesaid, shall be reduced for it, and every
367 commissioned officer, knowing and allowing such ill practices in
368 the service, shall be punished by the judgment of a general court-
369 martial.

370 ARTICLE 49. Any person belonging to the service of the Uni-
371 ted States, who, by discharging of fire arms, drawing of swords,
372 beating of drums, or by any other means whatsoever, shall occa-
373 sion false alarms in camp, garrison, or quarters, shall suffer
374 death, or such other punishment as shall be ordered by the sen-
375 tence of a general court-martial.

376 ARTICLE 50. Any officer or soldier who shall, without urgent
377 necessity, or without the leave of his superior officer, quit his
378 platoon or division, shall be punished according to the nature of
379 his offence, by the sentence of a court-martial.

380 ARTICLE 51. No officer or soldier shall do violence to any
381 person who brings provisions, or other necessaries to the camp,
382 garrison, or quarters of the forces of the United States, employed

383 in any parts out of the said states, on pain of death, or such other
384 punishment as a court-martial shall direct.

385 ARTICLE 52. Whatsoever officer or soldier shall misbehave
386 himself before the enemy, run away, or shamefully abandon
387 any fort, post, or guard, which he or they may be commanded to
388 defend, or speak words inducing others to do the like ; or who,
389 after victory, shall quit his commanding officer, or post, to plun-
390 der and pillage, every such offender being duly convicted thereof,
391 shall suffer death, or such other punishment, as by a general
392 court-martial shall be inflicted on him.

393 ARTICLE 53. Any person belonging to the forces of the Uni-
394 ted States, who shall cast away his arms and ammunition, shall
395 suffer death, or such other punishment as shall be ordered by
396 the sentence of a general court-martial.

397 ARTICLE 54. Any person belonging to the forces of the Uni-
398 ted States, who shall make known the watch word to any person
399 who is not entitled to receive it, according to the rules and disci-
400 pline of war, or shall presume to give a parole or watch word differ-
401 ent from what he received, shall suffer death, or such other punish-
402 ment as shall be ordered by the sentence of a general court-mar-
403 tial.

404 ARTICLE 55. All officers and soldiers are to behave them-
405 selves orderly in quarters, and on their march ; and whosoever
406 shall commit any waste or spoil, either in walks of trees, parks,

407 warrens, fish ponds, houses or gardens, corn fields, enclosures of
408 meadows, or shall maliciously destroy any property whatsoever,
409 belonging to the citizens of the United States, unless by order
410 of the then commander in chief of the forces of the said states, to
411 annoy rebels, or other enemies in arms against the said states, he
412 or they that shall be found guilty of offending herein, shall, (be-
413 sides such penalties as they are liable to by law) be punished
414 according to the nature and degree of the offence, by the judg-
415 ment of a regimental or general court-martial.

416 ARTICLE 56. Whosoever belonging to the force of the United
417 States, employed in foreign parts, shall force a safe-guard, shall
418 suffer death.

419 ARTICLE 57. Whosoever shall relieve the enemy with money,
420 victuals, or ammunition, or shall knowingly harbor or protect an
421 enemy, shall suffer death, or such other punishment as by a court-
422 martial shall be inflicted.

423 ARTICLE 58. Whosoever shall be convicted of holding cor-
424 respondence with, or giving intelligence to the enemy, either
425 directly or indirectly, shall suffer death, or such other punish-
426 ment as by a court-martial shall be inflicted.

427 ARTICLE 59. All public stores taken in the enemy's camp,
428 towns, forts, or magazines, whether of artillery, ammunition,
429 clothing, forage, or provisions, shall be secured for the service of

430 the United States ; for the neglect of which the commanding
431 officer is to be answerable.

432 ARTICLE 60. If any officer or soldier shall leave his post or
433 colors, to go in search of plunder, he shall, upon being convicted
434 thereof, before a general court martial, suffer death, or such other
435 punishment as shall be inflicted by the same.

436 ARTICLE 61. If any commander of any garrison, fortress, or
437 post, shall be compelled by the officers and soldiers under his
438 command, to give it up to the enemy, or to abandon it, the commis-
439 sioned officers, non-commissioned officers, or soldiers, who shall
440 be convicted of having so offended, shall suffer death, or such
441 other punishment as shall be inflicted upon them by the sentence
442 of a court-martial.

443 ARTICLE 62. All sutlers and retainers to the camp, and all
444 persons whatsoever, serving with the armies of the United States,
445 in the field, though not inlisted soldiers, are to be subject to orders,
446 according to the rules and discipline of war.

447 ARTICLE 63. Officers having brevets, or commissions of a
448 prior date to those of the regiment in which they now serve, may
449 take place in courts-martial and on detachments, when composed
450 of different corps, according to the ranks given them in their bre-
451 vetts, or dates of their former commissions ; but in the regiment,
452 troop, or company, to which such brevett officers, and those who
453 have commissions of a prior date do belong, they shall do duty

454 and take rank, both on courts-martial and on detachments, which
455 shall be composed only of their own corps, according to the com-
456 missions by which they are mustered in the said corps.

457 ARTICLE 64. If upon marches, guards, or in quarters, different
458 corps of the line of the army shall happen to join, or do duty
459 together, the eldest officer by commission there, on duty, or in
460 quarters, shall command the whole, and give out orders for what
461 is needful to the service.

462 ARTICLE 65. And in like manner also, if any regiment, troop,
463 or detachment of horse or foot, shall happen to march with, or
464 be encamped, or quartered with any bodies or detachments of
465 other troops in the service of the United States, the eldest officer,
466 without respect to corps, shall take upon him the command of
467 the whole, and give the necessary orders.

468 ARTICLE 66. General courts-martial may consist of any num-
469 ber of commissioned officers from five to thirteen, inclusively,
470 but they shall not consist of less than thirteen where that number
471 can be convened without manifest injury to the service.

472 ARTICLE 67. General courts-martial shall be ordered, as often
473 as the cases may require, by the general, or officer commanding
474 the troops. But no sentence of a court-martial shall be carried
475 into execution, until after the whole proceedings shall have been
476 laid before the said general, or officer commanding the troops for
477 the time being; neither shall any sentence of a general court-mar-
478 tial in time of peace, extending to the loss of life, the dismissal

479 of a commissioned officer, or which shall, either in time of peace
 480 or war, respect a general officer, be carried into execution until
 481 after the whole proceedings shall have been transmitted to the
 482 secretary at war, to be laid before the President of the United
 483 States for his confirmation, or disapproval, and orders in the case.
 484 All other sentences may be confirmed and executed by the officer
 485 ordering the court to assemble, or the commanding officer for the
 486 time being, as the case may be.

487 ARTICLE 68. Every officer commanding a regiment or corps,
 488 may appoint, of his own regiment or corps, courts-martial, to
 489 consist of three commissioned officers, for the trial of offences,
 490 not capital, and the inflicting corporal punishment, and decide
 491 upon their sentences. For the same purpose, all officers com-
 492 manding any of the garrisons, forts, barracks, or other places,
 493 where the troops consist of different corps, may assemble courts-
 494 martial, to consist of three commissioned officers, and decide upon
 495 their sentences.

496 ARTICLE 69. No garrison or regimental court-martial shall
 497 have the power to try capital cases, or commissioned officers;
 498 neither shall they inflict a fine exceeding one month's pay, nor
 499 imprison, nor put to hard labor, any non-commissioned officer or
 500 soldier, for a longer time than one month.

501 ARTICLE 70. The members of all courts-martial shall, when
 502 belonging to different corps; take the same rank in court, which
 503 they hold in the army. But when courts-martial shall be com-

504 posed of officers of one corps, they shall take rank according to
505 the commissions by which they are mustered in the said corps.

506 ARTICLE 71. The judge advocate, or some person deputed by
507 him, or by the general, or officer commanding the army, detach-
508 ment, or garrison, shall prosecute in the name of the United
509 States, but shall so far consider himself as counsel for the pri-
510 soner, after the said prisoner shall have made his plea, as to object
511 to any leading question to any of the witnesses, or any question
512 to the prisoner, the answer to which might tend to criminate him-
513 self: and administer to each member the following oaths, which
514 shall also be taken by all members of the regimental and garrison
515 courts-martial.

516 “ You shall well and truly try and determine, according to
517 evidence, the matter now before you, between the United States
518 of America, and the prisoner to be tried. *So help you God.*

519 “ You, A. B. do swear, that you will duly administer justice,
520 according to the rules and articles for the better government of
521 the forces of the United States of America, without partiality,
522 favor, or affection; and if any doubts shall arise, which is not
523 explained by said articles, according to your conscience, the best
524 of your understanding, and the custom of war in like cases: and
525 you do further swear, that you will not divulge the sentence of
526 the court until it shall be published by the commanding officer.
527 Neither will you, upon any account, at any time whatsoever,
528 disclose or discover the vote or opinion of any particular member

529 of the court-martial, unless required to give evidence thereof as
 530 a witness, by a court of justice, in a due course of law. *So help*
 531 *you God.*

532 And as soon as the said oaths shall have been administered to
 533 the respective members, the president of the court shall adminis-
 534 ter to the judge advocate, or person officiating as such, an oath in
 535 the following words :

536 “You A. B. do swear, that you will not upon any account, at any
 537 time whatsoever, disclose or discover the vote or opinion of any
 538 particular member of the court-martial, unless required to give
 539 evidence thereof as a witness, by a court of justice in a due
 540 course of law—*So help you God.*”

541 ARTICLE 72. All the members of a court-martial are to behave
 542 with decency and calmness ; and in giving their votes, are to be-
 543 gin with the youngest in commission.

544 ARTICLE 73. All persons who give evidence before a court-
 545 martial, are to be examined on oath, or affirmation, as the case
 546 may be ; and no sentence of death shall be given against any offen-
 547 der by any general court-martial, unless two thirds of the members
 548 of the court shall concur therein.

549 ARTICLE 74. Whenever an oath or affirmation shall be admi-
 550 nistered by a court-martial, the oath or affirmation shall be in the
 551 following form :

552 “ You swear, or affirm (as the case may be,) the evidence you
 553 shall give in the cause now in hearing, shall be the truth, the whole
 554 truth, and nothing but the truth—*So help you God.*”

555. ARTICLE 75. On the trials of cases not capital, before courts-
 556. martial, the deposition of witnesses, not in the line or staff of the
 557. army, may be taken before some justice of the peace, and read in
 558. evidence: *Provided*, the prosecutor and person accused are pre-
 559. sent at taking the same.

560. ARTICLE 76. No officer shall be tried but by a general court-
 561. martial, nor by officers of an inferior rank, if it can conveniently be
 562. avoided. Nor shall any proceedings or trials be carried on ex-
 563. cepting between the hours of eight in the morning and three in
 564. the afternoon, excepting in cases, which in the opinion of the of-
 565. ficer appointing the court-martial, require immediate example.

566. ARTICLE 77. No person whatsoever shall use any menacing
 567. words, signs, or gestures, in presence of a court-martial, or shall
 568. cause any disorder or riot, or disturb their proceedings, on the
 569. penalty of being punished at the discretion of the said court-
 570. martial.

571. ARTICLE 78. No commissioned officer shall be cashiered or dis-
 572. missed from the service, excepting by order of the President of
 573. the United States, or by sentence of a general court-martial; and
 574. no non-commissioned officer or soldier shall be discharged from
 575. the service, but by order of the President, the secretary at war,
 576. the commanding general of a department, or by the sentence of a
 577. general court-martial; except at the expiration of the time of his
 578. enlistment.

579. ARTICLE 79. Whenever any officer shall be charged with a
 580. crime, he shall be arrested and confined in his barracks, quarters

581 or tent, and deprived of his sword by his commanding officer,
582 And any officer who shall leave his confinement before he shall
583 be set at liberty by his commanding officer, or by a superior pow-
584 er shall be cashiered for it.

585 ARTICLE 80. Non-commissioned officers and soldiers, who
586 shall be charged with crimes, shall be imprisoned, until they
587 shall be tried by a court-martial, or released by proper authority.

588 ARTICLE 81. No officer or soldier who shall be put in arrest,
589 or imprisonment, shall continue in his confinement more than
590 eight days, or until such time as a court-martial can be assem-
591 bled.

592 ARTICLE 82. No officer commanding a guard, or provost-mar-
593 shal, shall refuse to receive, or keep any prisoner committed to his
594 charge, by an officer belonging to the forces of the United States;
595 provided the officer committing, shall, at the same time, deliver
596 an account in writing, signed by himself, of the crime with which
597 the said prisoner is charged.

598 ARTICLE 83. No officer commanding a guard, or provost-mar-
599 shal, shall presume to release any person committed to his charge,
600 without proper authority for so doing; nor shall he suffer any
601 person to escape, on the penalty of being punished for it by the
602 sentence of a court-martial.

603 ARTICLE 84. Every officer or provost-marshal, to whose charge
604 prisoners shall be committed, shall within twenty-four hours after
605 such commitment, or as soon as he shall be relieved from his,

606 guard, make report in writing, to the commanding officer, of their
607 names, their crimes, and the names of the officers who committed
608 them, on the penalty of his being punished for disobedience or
609 neglect, at the discretion of a court-martial.

610 ARTICLE 85. Whatever commissioned officer shall be convict-
611 ed before a general court-martial, of behaving in a scandalous and
612 infamous manner, such as is unbecoming an officer and a gen-
613 tleman, shall be dismissed the service.

614 ARTICLE 86. In cases where a court-martial may think it pro-
615 per to sentence a commissioned officer to be suspended from com-
616 mand, they shall have power also to suspend his pay and emolu-
617 ments for the same time, according to the nature and heinousness
618 of the offence.

619 ARTICLE 87. In all cases where a commissioned officer is cash-
620 iered for cowardice, or fraud, it shall be added in the sentence,
621 that the crime, name, and place of abode and punishment of the
622 delinquent, be published in the newspapers in and about the
623 camp, and of the particular state from which the offender came,
624 or usually resides ; after which it shall be deemed scandalous
625 for an officer to associate with him.

626 ARTICLE 88. The commanding officer of any post or detach-
627 ment, in which there shall not be a number of officers adequate
628 to form a general court-martial, shall, in cases which require the
629 cognizance of such a court, report to the commanding officer of
630 the department, who shall order to be assembled, at the nearest

631. post or detachment, the party accused, with the necessary wit-
632 nesses, to be transported to the place where the said court shall
633 be assembled.

634 ARTICLE 89. No person shall be sentenced to suffer death,
635 except in the cases expressly mentioned in the foregoing articles ;
636 nor shall more than one hundred lashes be inflicted on any offen-
637 der, at the discretion of a court-martial.

638 Any person tried agreeably to these rules and regulations, may
639 have his sentence mitigated, or may be pardoned by the officer
640 hereby empowered so to do, but no officer, non-commissioned
641 officer, soldier, or follower of the army, shall be tried a second
642 time for the same offence.

643 Every judge advocate, or person officiating as such, at any
644 general court-martial, shall transmit, with as much expedition as
645 the opportunity of time and distance of place can admit, the ori-
646 ginal proceedings and sentence of such court-martial, to the secre-
647 tary at war, which said original proceedings and sentence shall
648 be carefully kept and preserved in the office of said secretary, to
649 the end, that persons entitled thereto, may be enabled, upon appli-
650 cation to the said office, to obtain copies thereof.

651 The party tried by any general court-martial, shall be entitled
652 to a copy of the sentence and proceedings of such court-martial,
653 after a decision on the sentence, upon demand thereof made by
654 himself, or by any person or persons in his behalf, whether such
655 sentence be approved or not.

659 ARTICLE 90. In such cases where the general, or command
660 ing officer may think proper to order a court of inquiry, to exa
661 mine into the nature of any transaction, accusation, or imputation
662 against any officer or soldier, the said court, shall be conducted
663 conformably to the following regulations: It may consist of one
664 or more officers, not exceeding three, with the judge advocate, or
665 a suitable person as a recorder, to reduce the proceedings and
666 evidence to writing, all of whom shall be sworn to the faithful
667 performance of their duty. This court shall have the same power
668 to summon witnesses as a court-martial, and to examine them on
669 oath. But they shall not give their opinion on the merits of the
670 case, excepting they shall be thereto specially required. The
671 parties accused shall also be permitted to cross examine and inter-
672 rogate the witnesses, so as to investigate fully the circumstances in
673 question.

674 ARTICLE 91. The proceedings of a court of inquiry must be
675 authenticated by the signature of the recorder, and the president,
676 and delivered to the commanding officer; and the said proceed-
677 ings may be admitted as evidence by a court-martial, in cases not
678 capital, or extending to the dismissal of an officer; provided
679 that the circumstances are such, that oral testimony cannot be
680 obtained. But as courts of enquiry may be perverted to disho-
681 norable purposes, and may be considered as engines of destruc-
682 tion to military merit, in the hands of weak and envious comman-
683 dants, they are hereby prohibited, unless directed by the President
684 of the United States, or demanded by the accused.

685 ARTICLE 92. The judge advocate, or recorder, shall adminis-
686 ter to the members the following oath:

687 “ You shall well and truly examine and enquire, according to
688 your evidence, into the matter now before you, without favor or
689 affection. So help you God.”

690 After which the president shall administer to the judge advocate
691 or recorder, the following oath:

692 “ You A. B. do swear that you will according to your best
693 abilities, accurately and impartially record the proceedings of the
694 court, and the evidence to be given in the case in hearing. So
695 help you God.”

696 The witnesses shall take the same oath as is directed to be ad-
697 ministered to witnesses sworn before a court-martial.

698 ARTICLE 93. When any commissioned officer shall happen to
699 die or be killed in the service of the United States, the major of
700 the regiment or the officer doing the major's duty in his absence,
701 or in any post or garrison, the second officer in command, or the
702 assisting military agent, shall immediately secure all his effects
703 or equipage then in camp or quarters; and shall make an inven-
704 tory thereof, and forthwith transmit the same to the office of the
705 department of war, to the end that his executors may, after pay-
706 ment of his debts in quarters, and interment, receive the over-
707 plus, if any there be to his or their use.

708 ARTICLE 94. When any non-commissioned officer or soldier
709 shall happen to die, or to be killed in the service of the United

710 States, the then commanding officer of the troop or company shall,
711 in the presence of two other commissioned officers, take an ac-
712 count of what effects he dies possessed of, above his regimental
713 clothing, arms and accoutrements, and transmit the same to the
714 office of the department of war; which said effects are to be ac-
715 counted for, and paid to the representative of such deceased non-
716 commissioned officer or soldier. And in case any of the officers,
717 so authorised to take care of the effects of dead officers and sol-
718 diers, should, before they have accounted to their representatives
719 for the same, have occasion to leave the regiment or post, by pre-
720 ferment or otherwise, they shall before they be permitted to quit
721 the same, deposit in the hands of the commanding officer or of
722 the assistant military agent, all the effects of such deceased non-
723 commissioned officers and soldiers, in order that the same may
724 be secured for, and paid to, their respective representatives.

725 ARTICLE 95. All officers, conductors, gunners, matrosses, dri-
726 vers, or other persons whatever, receiving pay or hire in the ser-
727 vice of the artillery of the United States, shall be governed by the
728 aforesaid rules and articles, and shall be subject to be tried by
729 courts-martial, in like manner with the officers and soldiers of the
730 other troops in the service of the United States.

731 ARTICLE 96. For differences arising among the artillery, or in
732 matters relating solely to their own corps, the courts-martial may
733 be composed of their own officers; but where a number sufficient
734 of such officers cannot be assembled, or in matters wherein other

735 corps are interested, the officers of artillery shall sit in courts-
736 martial with the officers of other corps, taking their rank accord-
737 ing to the dates of their respective commissions, and no other-
738 wise.

739 ARTICLE 97. The officers and soldiers of any troops whether
740 militia, or others, being mustered and in pay of the United
741 States, shall, at all times, and in all places, when joined or acting
742 in conjunction with the regular forces of the United States, be
743 governed by these rules or articles of war, and shall be subject
744 to be tried by courts-martial, in like manner with the officers and
745 soldiers in the regular forces, save only that such courts-martial
746 shall be composed entirely of militia officers.

747 ARTICLE 98. All officers serving by commission from the au-
748 thority of any particular state, shall, on all detachments, courts-
749 martial, or other duty, wherein they may be employed in con-
750 junction with the regular forces of the United States, take rank,
751 next after all officers of the like grade, in said regular forces,
752 notwithstanding the commissions of such militia or state officers
753 may be elder than the commissions of the officers of the regular
754 forces of the United States.

755 ARTICLE 99. The foregoing articles are to be read and pub-
756 lished once in every six months, to every garrison, regiment, troop
757 or company, mustered or to be mustered in the service of the
758 United States, and are to be duly observed and exactly obeyed,
759 by all officers and soldiers, who are or shall be in said service.

760 ARTICLE 100. Any general officer commanding an army or de-
761 tachment, shall have full power of appointing general courts-mar-
762 tial to be held, and of pardoning and mitigating any of the pu-
763 nishments ordered to be inflicted for any of the offences mentioned
764 in those rules and articles, except the punishment of offenders
765 under the sentence of death by a general court-martial, or of
766 cashiering an officer, which he may order to be suspended until
767 the pleasure of the President of the United States, can be known;
768 which suspension with the proceedings of the court-martial, the
769 said general shall immediately transmit to the President for his
770 determination; and every offender convicted by a regimental or
771 garrison court-martial, may be pardoned, or have the punish-
772 ment mitigated by the colonel, or commanding officer of the re-
773 giment or garrison, where such court-martial shall be held.

774 ARTICLE 101. The commanding officers of each and every
775 regiment, and garrison, are to appoint some suitable person be-
776 longing to such regiment or garrison, to receive all such fines as
777 may arise within the same, for any breach of any of the foregoing
778 articles; and shall direct the same to be carefully and properly
779 applied to the relief of such sick, wounded, or necessitous sol-
780 diers as belong to such regiment or garrison; and such person
781 shall account with such officer for all fines received, and the
782 application thereof.

783 ARTICLE 102. All crimes not capital, and all disorders and
784 neglects which officers and soldiers may be guilty of, to the pre-

785 judice of good order and military discipline, though not menti-
786 oned in the foregoing articles of war, are to be taken cognizance
787 of by a general or regimental court-martial, according to the
788 nature and degree of the offence, and be punished at their discre-
789 tion.

1 SEC. 2. *And be it further enacted,* That in time of war, all
2 persons not members of, or owing allegiance to the United States
3 of America, who shall be found lurking as spies, in or about the
4 fortifications or encampments of the armies of the United States,
5 or any of them, shall suffer death, according to the law and usage
6 of nations, by sentence of a general court-martial.

1 SEC. 3. *And be it further enacted,* That the rules and regula-
2 tions, by which the armies of the United States have heretofore
3 been governed, and the resolves of Congress thereunto annexed,
4 and respecting the same, shall henceforth be void, and of no
5 effect, except so far as may relate to any transactions under them
6 prior to the promulgation of this act, at the several posts and
7 garrisons respectively, occupied by any part of the army of the
8 United States.